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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/421,808 | 10/20/1999 | VALI TADAYON | CYB-502 | 4631 |

7590 10/23/2003

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| EXAMINER |
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POLLACK, MELVIN H

| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 10/23/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,808

Applicant(s)

TADAYON ET AL.

Examiner

Melvin H Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/03 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-65 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Notani et al. (6,567,783).

5. For claim 1, Notani teaches (see abstract) a computerized active file system (col. 1, lines 25-30), comprising:

a. A memory circuit for storing data (Fig. 3, 2);

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- b. A communications port that is in communication with a network, said communications port being configured to transmit and receive data over said network (Fig. 3, 12); and
 - c. A processing circuit that is configured to control the flow of data between said memory circuit and said communications port (Fig. 5);
 - d. Said processing circuit also being configured to automatically cause a notification message to be sent to said network upon the occurrence of at least one predetermined triggering event pertaining to the operation of said file server (Fig. 14; col. 2, lines 30-35);
 - e. Wherein said at least one predetermined triggering event and its associated type and content of automatic notification message are configurable under the control of a system administrator utilizing an auto-notification computer program routine (Fig. 10-12; col. 13, lines 20-30; col. 8, lines 50-55) and
 - f. Wherein said automatic notification message may be configured by said system administrator to run programs, enforce constraints, send notifications and/or perform functions in response to said at least one predetermined triggering event to enable said file server to be used in workflow automation (Fig. 13 and 14).
6. For claim 2, Notani teaches that said at least one predetermined triggering event and said associated automatic notification messages are configurable by a systems administrator (col. 4, lines 1-8).

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7. For claim 3, Notani teaches that said associated automatic notification messages are transmitted over said network by use of e-mail message technology and/or a predetermined rules-based function (col. 14, lines 30-45).

8. For claim 6, Notani teaches that said file server further comprises a database that contains information relating to said at least one predetermined triggering event and its associated type of automatic notification message (Fig. 2, Global Series Database).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Notani, as applied to claim 1 above.

11. Examiner takes Official Notice (see MPEP § 2144.03) that "the memory circuit comprises random access memory (RAM) and a hard disk drive" in a computer networking environment was well known in the art at the time the invention was made. Memory circuits in computers almost always comprise RAM and some form of hard drive.

12. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re*

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Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

13. Claims 5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Notani as applied to claims 1-3, 6 above, and further in view of Kondo et al. (6,275,846).

14. For claim 5, Kondo teaches that said file server further comprises control software that stores and retrieves groupings of data organized as individual files onto and from said hard disk drive, while utilizing said RAM for temporary storage of data that make up portions of said files or entire said files (Fig. 1). Notani does not expressly disclose these methods, although they are well known in the art. At the time the invention was made, one of ordinary skill in the art would have used said storage method to allow backup and restoration features (col. 1, lines 40-50).

15. For claim 7, Kondo teaches that said file system further comprises a web server that is in communication with one of a Local Area Network, a Wide Area Network, and a global set of networks interconnected with routers (col. 2, lines 50-60). Notani teaches a networking system (Fig. 4, and shown above). At the time the invention was made, one of ordinary skill in the art would have used these networks in order to make the system compatible with preexisting systems.

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16. For claim 8, Notani teaches that at least one user that communicates with at least one of the above communication systems, having a computer platform that contains browser software and graphical user interface software (col. 15, lines 15-30).

17. For claim 9, Notani teaches that said messages of claim 3 are sent to a predetermined user (col. 15, lines 28-32).

18. Claims 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Notani as applied to claims 1-3, 6 above, and further in view of Sanne (6,295,536).

19. For claim 10, Notani teaches that said file system further comprises an authentication function (col. 9, table 1), an access rights function (col. 11, 5-12), a group management function (col. 14, lines 1-20), a modules management function (Fig. 13), and an objects management function (Fig. 17). Sanne teaches a user management function Fig. 2B), as well as the others above. At the time the invention was made, one of ordinary skill in the art would have added a user management function to Notani in order to maintain and use profile data (Fig. 2B).

20. For claim 11, Sanne teaches a function that imports users and groups from other computer systems (col. 3, line 65-col. 4, line 10). Once a computer system saves user and group information to a database, it is well known in the art that the database may be imported into another computer system database. Notami does not expressly disclose this feature. At the time the invention was made, one of ordinary skill in the art would have added this feature to Notami in order to better collect data from several computer systems (col. 1, lines 5-10).

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21. For claim 12, Sanne teaches that said triggering event comprises one of said file server granting access to read a file, write to a file, download a file, and upload a file (col. 2, lines 20-50). Notami teaches that the workflows are a generic method that can include data sharing (col. 4, lines 13-20). At the time the invention was made, one of ordinary skill in the art would have used Sanne to implement the data sharing features of the system.

22. As to claims 13-65, they do not teach or define above the correspondingly rejected claims 1-12 and thus claims 13-65 are rejected for the reasons given above.

Conclusion


23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

MHP
17 October 2003


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER